

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 06-145
)	
Plaintiff,)	
)	
- vs -)	
)	<u>ORDER</u> Granting Motion to Continue Trial
)	Date Pursuant to 18 U.S.C §3161
Roy Moore)	
)	
Defendant.)	

This matter is before the Court on Defendant's Motion to Continue Trial Date.

Based upon the information provided by Defendant in his motion and oral confirmation by the U.S. Marshal's Office, the motion is GRANTED.

Trial is set for July 25, 2006. On July 19, 2006 Defendant filed a Motion to Continue Trial Date because of physical inability to attend. Defendant was admitted to the hospital on July 15, 2006 for an infection, was released on July 19, 2006, but needs two weeks of antibiotics via an IV port. Defendant will remain in Summit County Jail to receive his medical treatment.

18U.S.C. §3161, the Speedy Trial Statute, excludes from any calculation, pursuant to (B)(4): Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial. (Emphasis added).

Defendant's physical illness and inability to physically stand trial on July 25, 2006 necessitates this court granting the continuance; such action outweighs the best interest

of the public and the defendant in a speedy trial.

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IT IS SO ORDERED.

s/ Christopher A. Boyko
HONORABLE CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE